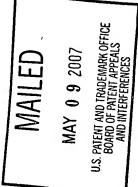
UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte TEDDY M. KELLER and DAWN D. DOMINGUEZ

Application 10/808,266 Technology Center 1700



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on February 5, 2007. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

A Petition was received via facsimile on June 20, 2005 pursuant to 37 C.F.R. § 1.81 and the Manual of Patenting Examining Procedure (MPEP) § 706.07(c) and § 1002.02(c)(3)(a) wherein the Appellants requested the withdrawal of the finality of the office action dated May 13, 2005. Upon review of the file history of this application, it has been determined that this Petition has not been properly responded to as required. A response is needed for clarification on the written record.

The Appeal Brief received by the USPTO on January 9, 2006, fails to set

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forth a statement which identifies the claims on appeal under the section "STATUS OF CLAIMS." Further review of the Appeal Brief reveals that a required section is missing. The missing section is the "RELATED PROCEEDINGS APPENDIX." Correction is required. See 37 C.F.R. §§ 41.37(c)(1)(iii) and (c)(1)(x).

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) to issue a response to the Petition received June 20, 2005;
- (2) to have said response made a part of the official file record, and to mail a copy to Appellants;
- (3) to instruct Appellants to provide a Supplemental Appeal Brief which fully complies with 37 C.F.R. § 41.37(c)(1)(iii) and (c)(1)(x);

and

(4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS AND INTERFERENCES

PATRICK J. NOLAN

Deputy Chief Appeals Administrator

(571) 272-9797

Application 10/808,266

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PJN:hh